

DISTRICT OF NEVADA

Plaintiff

**Order Denying Motion for Default
Judgment and Ordering Plaintiff to Show
Cause Why the Clerk's Entry of Default
Should Not Be Vacated**

Defendants

has not presented proof of proper service on any defendant.

must serve the United States.” To serve the United States, a party must:

(B) send a copy of each by registered or certified mail to the Attorney General of the United States at Washington, D.C.

Fed. R. Civ. Pro. 4(i)(1).

1 Jones does not present evidence that she sent the summons and complaint by registered or
2 certified mail to the Department of Veterans Affairs. She also has not properly served the United
3 States. She has not filed proof that she delivered a copy of the summons and the complaint to
4 either the United States Attorney for the District of Nevada or to the civil-process clerk at the
5 United States attorney's office. Nor has he sent copies of those documents to the Attorney
6 General of the United States in Washington, D.C.

7 Jones also has not presented evidence that she properly served the individual defendants.
8 If she is suing them in their official capacities, then she must serve them in the same way as the
9 Department of Veterans Affairs. Fed. R. Civ. P. 4(i)(2). As just discussed, she has not done so.

10 If she is suing the individual defendants in their individual capacities, then she must serve
11 the United States and she must serve each employee under Rule 4(e) (personal service), (f)
12 (service in a foreign country), or (g) (service on a minor or incompetent person). Fed. R. Civ. P.
13 4(i)(3). As just discussed, she has not properly served the United States. And she has not served
14 the individual employees under Rule 4(e), (f), or (g). Only Rule 4(e) applies, and Jones has
15 presented no evidence that she delivered a copy of the summons and complaint to the individual
16 defendants personally or left it at the individual defendants' usual place of abode with someone
17 of suitable age and discretion who resides there. Fed. R. Civ. P. 4(e)(2)(A)-(B). Nor has she
18 established that the person she served was "an agent authorized by appointment or by law to
19 receive service of process" for the individual defendants in their individual capacities. Fed. R.
20 Civ. P. 4(e)(2)(C). Finally, she has not shown she followed Nevada law in serving the individual
21 defendants who are located in Wisconsin. *See Nev. R. Civ. P. 4.2(a), 4.3.*

22 Therefore, Jones has not met Rule 4's requirements and has not properly served the
23 defendants. As a result, I deny her motion for default judgment. I also order Jones to show

1 cause why the clerk's entry of default should not be vacated due to Jones' failure to timely and
2 properly serve any defendant.

3 I THEREFORE ORDER that plaintiff Tamara Jones's motion for default judgment (**ECF**
4 **No. 10**) is **DENIED**.

5 I FURTHER ORDER that by July 30, 2021, plaintiff Tamara Jones shall show cause in
6 writing why the clerk's entry of default (ECF No. 9) should not be vacated.

7 DATED this 6th day of June, 2021.

8 

9
10

ANDREW P. GORDON
UNITED STATES DISTRICT JUDGE